

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3342

IN THE MATTER OF:

Served May 31, 1989

Application of JEWISH COUNCIL FOR)
THE AGING OF GREATER WASHINGTON,)
INC., for Temporary Authority to)
Conduct Charter Operations Pursuant)
to Contract with K-2 Limited)
Partnership)

Case No. AP-89-21

By application filed May 12, 1989, the Jewish Council for the Aging of Greater Washington, Inc. (Council or applicant), seeks temporary authority to conduct charter operations pursuant to a contract with K-2 Limited Partnership (K-2). The application describes the operation as requiring two vehicles operating scheduled morning and evening shuttle service weekdays over the following routes wholly within Montgomery County, MD:

(1) Between White Oak Tower, Maryland and Silver Spring, Maryland:

From White Oak Tower, north on Old Columbia Pike to its intersection with Clifftondale Drive, then east on Clifftondale Drive, then west on Clifftondale Drive to its intersection with Old Columbia Pike, then north on Old Columbia Pike to its intersection with Industrial Parkway, then west on Industrial Parkway to its intersection with Columbia Pike, then south on Columbia Pike to its intersection with Georgia Avenue, then east on Georgia Avenue to its intersection with Wayne Avenue, then south on Wayne Avenue to the Silver Spring Metrorail facility, and return over the same route.

(2) Between Glenmont Forest, Maryland and White Flint, Maryland:

From Glenmont Forest, west on Randolph Road to its intersection with Tivoli Lake Boulevard, then over Tivoli Lake Boulevard to its end, then return via Tivoli Lake Boulevard to its intersection with Randolph Road, then east on Randolph Road to its intersection with Glenallen Avenue, then north on Glenallen, then south on Glenallen Avenue to its intersection with Randolph Road, then west on Randolph Road to its intersection with Parklawn Drive, then south on Parklawn Drive to its intersection with Nebel Street, then north on Nebel Street to its intersection with Marinelli Road, then east on Marinelli Road to the White Flint Metrorail facility, and return over the same route.

In support of its application, Council submitted an affidavit of its Executive Director. Council is a non-profit corporation. The subject scheduled shuttle service would be without charge to the riders; Council would be paid by K-2. The service is intended to transport passengers between the communities of Doral, Tivoli, Winexburg Manor, and Glenmont Forest, on the one hand, and, on the other, the White Flint Metrorail Station. The second route would provide service between the communities of Columbia Towers, Stonehedge, and Bronzgate, on the one hand, and on the other, the Silver Spring Metrorail Station. Council states that it has been performing this service for about 15 months, believing that no operating authority from WMATC was needed. However, upon retaining counsel, applicant became aware of the need for such authority and filed this application. */ Council has 16 years experience transporting passengers in connection with its nonprofit activities. Council further states that its vehicles are maintained to the highest safety standards, its drivers are carefully screened, and its safety record is excellent.

Also in support of the application Council submitted an affidavit of the Director of Land Planning for Richmarr Construction Corporation, a developer of residential communities in Montgomery County, MD. Some of the K-2 partners are principals of Richmarr. For internal business reasons K-2 has entered into the contract with Council. Affiant has been involved in the transportation program since its inception and is specifically authorized by K-2 to submit the statement in support of the application. The subject transportation is required by the Maryland National Capital Planning Commission, obliging the developer to supplement mass transit service in Montgomery County. K-2 is required by an agreement with Montgomery County to provide transportation service for residents of its communities and others in certain corridors. K-2 meets this obligation by contracting with Council. K-2 states that since January 1988, the service has been performed by Council in an exemplary fashion. K-2 states that it, too, was unaware of the need for WMATC authority. K-2 believes it is imperative that the service be continued. It serves up to 70 passengers a day, with an eventual requirement to carry an average of 83 passengers. Montgomery County intends the service to relieve traffic congestion and encourage Metrorail use. Many people currently rely on the service and have been very complimentary of the providers.

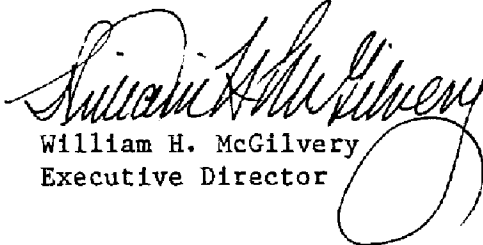
K-2 considered other carriers, but chose Council because of quality of service, cooperation, service quality monitoring, flexibility, service-oriented personnel, and availability of suitable equipment. K-2 states that if service were interrupted, K-2 would be found in default of its agreement with Montgomery County and a substantial number of people would be severely inconvenienced.

*/ Council, on the same date it filed this application for temporary authority, also filed an application for a certificate. See Case No. AP-89-28 .

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no other carrier capable of meeting such need, and (3) fitness of the applicant. This order will provide notice of this application, and a brief period will be established for the filing of protests, if any. No extension of time will be granted.

THEREFORE, IT IS ORDERED that any persons desiring to protest this application shall file a notarized protest in conformance with Commission Rule No. 14 at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, June 9, 1989, and shall simultaneously serve a copy of such protest on applicant's counsel, Jeremy Kahn, Esquire, 1726 M Street, N.W., Suite 702, Washington, DC 20036.

FOR THE COMMISSION:


William H. McGilvery
Executive Director